

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES ANTHONY DAVIS,

Plaintiff,

vs.

SHERIFF DOUGLAS GILLESPIE, *et al.*,  
 Defendants.

2:10-cv-01934-JCM-LRL

**ORDER**

Plaintiff filed this action pursuant to 42 U.S.C. § 1983, along with an application to proceed *in forma pauperis*. However, under 28 U.S.C. § 1915(g), plaintiff has been banned from filing actions *in forma pauperis* unless he can show he is in imminent danger of serious physical injury. Plaintiff cannot proceed *in forma pauperis* in this action or any other civil action filed in any federal court because he has had three (3) or more prior actions dismissed for failure to state a claim upon which relief may be granted, or as frivolous or malicious. The subject matter of this action does not indicate that plaintiff is in imminent danger of serious physical injury. He must pre-pay the filing fee in full.

**IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma pauperis* (docket #1) is **DENIED**. This entire action will be dismissed without prejudice unless plaintiff pays the \$350.00 filing fee in full within **thirty (30) days** of entry of this order.

**IT IS FURTHER ORDERED** that the clerk of court shall send plaintiff two copies of this order. Plaintiff shall make the necessary arrangements to have one copy of this order attached to

1 the check paying the filing fee.

2 **IT IS FURTHER ORDERED** that the clerk of the court shall retain the complaint.

3 DATED this 18<sup>th</sup> day of January, 2011.

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6 UNITED STATES DISTRICT JUDGE  
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